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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,875	09/22/2006	Tetsuya Otsaka	SH-0075PCTUS	5464
21254 7590 06/09/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER STOCK JR, GORDON J	
			ART UNIT 2877	PAPER NUMBER
			MAIL DATE 06/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,875	Applicant(s) OTOSAKA, TETSUYA	
	Examiner GORDON J. STOCK JR	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment received on March 10, 2009 has been entered into the record.

Drawings

2. The Drawings received on March 10, 2009 are accepted by the Examiner.

Claim Objections

3. **Claim 1** is objected to for the following: on line 1 'a method for measuring' should read -a measurement method for measuring-; on lines 5-6 'measure intensity distribution' should read -measure an intensity distribution- and on lines 9-10 'on intensity distribution' should read -on the intensity distribution-. **Claims 2-13** are objected to for depending from an objected base claim. Corrections are required.
4. **Claim 10** is objected to for the following: 'the vessel' of line 2 lacks proper antecedent basis. Examiner suggests having 'the vessel' read -a vessel-. Correction is required.
5. **Claim 11** is objected to for the following: on line 3 'of cylindrical hole' should read -of the cylindrical hole-. Correction is required.
6. **Claim 12** is objected to for the following: 'the vessel' of line 2 lacks proper antecedent basis. Examiner suggests having 'the vessel' read -a vessel-. Correction is required.
7. **Claim 14** is objected to for the following: on line 1 'an apparatus for measuring' should read -a measurement apparatus for measuring-; on line 7 'measuring intensity distribution' should read -measuring an intensity distribution- and on line 12 'on intensity distribution' should read -on the intensity distribution-. **Claims 15-23** are objected to for depending from an objected base claim. Corrections are required.

Art Unit: 2877

8. **Claim 20** is objected to for the following: 'the vessel' of line 2 lacks proper antecedent basis. Examiner suggests having 'the vessel' read –a vessel-. Correction is required.

9. **Claim 21** is objected to for the following: on line 3 'of cylindrical hole' should read –of the cylindrical hole-. Correction is required.

Allowable Subject Matter

10. **Claims 1-23** would be allowable if rewritten to overcome the objections above.

As to **claim 1**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a measurement method for measuring non-circularity of a core part of an optical fiber base material having the core part and a clad part the particular measuring a width between two change points step and rotating step, in combination with the rest of the limitations of **claims 1-13**.

As to **claim 14**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a measurement apparatus for measuring non-circularity of a core part of an optical fiber base material having the core part and a clad part the particular means for measuring a width between two change points and means for rotating, in combination with the rest of the limitations of **claims 14-23**.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: JP 2005164491 A to Taya

JP 53129667 A to Murakami et al.

This application is in condition for allowance except for the following formal matters:

Objections to the claims above.

Art Unit: 2877

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

- 1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (571) 273-8300

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431.

The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached at 571-272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2877

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/G. J. S./

Examiner, Art Unit 2877

/Michael A. Lyons/

Primary Examiner, Art Unit 2877

June 5, 2009